

The role of international agreements in climate policy

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Veröffentlichungsversion / Published Version
Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Szira, Z., & Alghamdi, H. (2020). The role of international agreements in climate policy. *Technology transfer: innovative solutions in Social Sciences and Humanities*, 58-60. <https://doi.org/10.21303/2613-5647.2020.001304>

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1. Introduction

„Climate change” and „global warming” are often used interchangeably, but are of distinct significance. Global warming is the long-term heating of the Earth's climate system, observed since the pre-industrial period (between 1850 and 1900) as a result of human activities, mainly the combustion of fossil fuel, which raises the heat-trapping greenhouse gas levels in the Earth's air (Fig. 1). The term is often used interchangeably with the term climate change, as the latter applies to warming, caused both humanly and naturally, and the impact it has on our planet. This is most generally calculated as the average increase in global surface temperature on Earth.

It was concluded [1], that 2019 was Earth's second warmest year since 1850. In 2019 the global mean temperature was cooler than in 2016, but warmer than any other year explicitly measured. Consequently, 2016 is still the warmest year in the historical observation history. Year-to-year rankings are likely to reflect natural fluctuations in

THE ROLE OF INTERNATIONAL AGREEMENTS IN CLIMATE POLICY

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Abstract: Climate change is one of the greatest environmental challenges of our time. Climate change can occur as a result of natural processes on Earth (e. g., tectonic motion of continents), as a result of external influences on the planet (e. g., changes in the intensity of solar radiation), or even as a result of human activity (e. g., greenhouse gas production). Human activities have boosted emissions of carbon dioxide, pushing up the temperatures. One potential impact is extreme weather and melting polar ice. There are natural climate fluctuations, but it is a fact that temperatures are growing higher now than at many other periods. This is related to the greenhouse effect which describes how some of the Sun's energy is trapped in the Earth's atmosphere. Solar energy from the Earth's surface, radiating back to space, is absorbed by greenhouse gases and re-emitted in every direction. This present paper discusses the impact of climate change and summarises the role of legal regulations in the process of this major environmental problem.

Keywords: climate change, global warming, international law, Kyoto Protocol, Paris Agreement.

the short term, but the overall pattern remains consistent with a long-term global warming trend. This would be predicted from global warming, caused by greenhouse gases, the temperature increase across the globe is broadly spread, impacting almost all areas of land and oceans (Fig. 2). In 2019, 88 percent of the Earth's atmosphere was slightly warmer than the 1951–1980 average temperature [1].

Climate change is a long-term change in the normal patterns of weather that have come to characterize the local, national and global climate of Earth. These adjustments have a broad array of observed effects, associated with the term. Weather data reports include the proof of important climate change measures, such as rises in global land and ocean temperature; rising sea levels; loss of ice at Earth's poles and in mountain glaciers; shifts in frequency and intensity of severe weather, such as hurricanes, heatwaves, wildfires, droughts, floods and precipitation; and changes of cloud and vegetation, to name but a few.

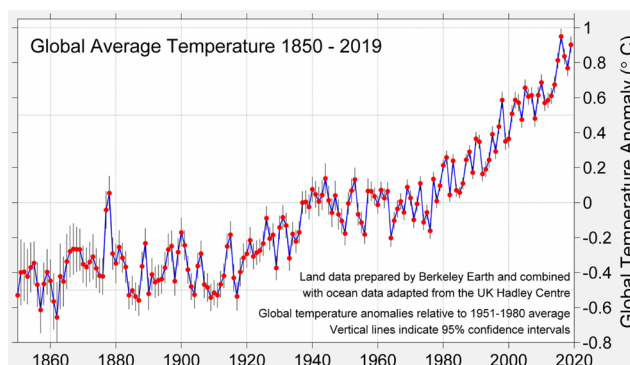


Fig. 1. Change in global surface temperature [1]

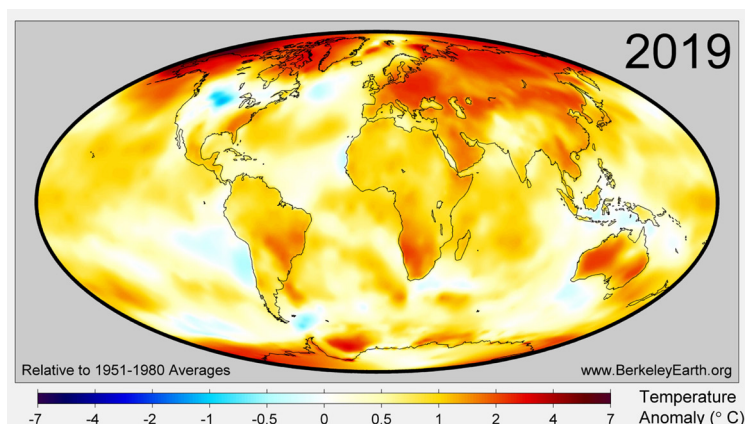


Fig. 2. Local temperature rise in 2019 compared to the 1951–1980 mean temperature [1]

2. Materials and Methods

In this paper the results are based on the secondary research. The data, processed in the research, were collected from several international public databases. The literature review focuses on different approaches from several international researchers.

3. Results

General history of the issue of climate change [2–4] typically starts with Arrhenius [5] or earlier scientific studies. But it wasn't until the mid-1970s that a larger group of experts, including policy-makers, started to concentrate on how and, when to reduce warming.

In the late 1980s, climate-change plans coalesced into two somewhat different strategies, one focused on environmental priorities, and the other based on political and economic viability. The feasibility strategy was inspired by the 1987 Montreal Protocol to the Ozone Layer Convention in Vienna, which required a 50 percent reduction in the production and use of ozone-depleting chemicals [6, 7].

The Framework Convention on Climate Change is the first binding international instrument to address the issue of climate change directly. The Convention was adopted at the 1992 Rio Earth Summit and entered into force in 1994, when it was ratified by more than 160 nations.

The following milestone in climate regulation is linked to the Kyoto Protocol. In 1997 the Kyoto Protocol was adopted. It came into force in 2005, because of a complex ratification process. Currently the Kyoto Protocol has 192 Parties. The Kyoto Protocol operationalizes the United Nations Framework Convention on Climate (UNFCCC) Change by committing industrialized countries to limit and reduce emissions of greenhouse gases (GHGs) in line with agreed individual targets. The Convention itself only calls on those countries to adopt mitigation policies and measures and to report regularly. The Kyoto Protocol is based on the Convention's principles and rules, and maintains its annex-based structure. It only links developing countries and imposes a heavier burden on them under the „common but differentiated responsibility and respective capabilities” concept, as it acknowledges that they are primarily responsible for the current high rates of atmospheric GHG emissions. The Doha Amendment to the Kyoto Protocol was adopted in Doha, Qatar, in 2012, for a second commitment duration, beginning in 2013 and lasting until 2020. Nonetheless, the Doha amendment has not yet entered into force; a minimum of 144 approval instruments are required for the amendment to enter into force.

Parties to the UNFCCC reached a historic agreement in Paris in 2015 to tackle climate change and to speed up and

accelerate the steps and investments, required for a sustainable low carbon future. The Paris Agreement builds on the Convention and brings all nations into a common cause – for the first time – to pursue concerted measures to combat climate change and adapt to its consequences, with expanded funding to assist developing countries in this. As such, it sets a new path in the global initiative on environment. The Paris Agreement is seen as a diplomatic achievement and an important historical milestone in the history of global climate negotiations [8–12]. Insiders describe the PA as „the culmination of decades of climate diplomacy” [8], and „a historic achievement in multilateral diplomacy”, which is „the most optimistic outcome possible in a deeply discordant political setting” [12].

4. Discussion

The PA combines a top-down approach that imposes legally binding responsibilities on countries with a bottom-up approach to formulating a policy that leaves much up to the governments of the state. This leaves policymakers with full control over domestic policies, and relies on „nationally determined contributions” (NDCs) to the global climate policy. At the same time, it imposes clear commitments to establish, enforce and improve these actions on a regular basis, while subjecting national policies to a comprehensive international oversight mechanism. Main provisions include a global target of keeping the temperature rise „well below 2 °C” and a promise to „continue efforts to restrict temperature rise to 1.5 °C”. The long-term policy targets are to „as soon as possible” peak global emissions and to reach null net emissions in the second half of this century. The Paris Agreement is a treaty, although unorthodox under international law [8, 13]. Lawyers stress that the Paris Agreement implies comprehensive, binding legal obligations on countries [8, 12, 14]. This result is especially important, considering that there were all legal options on the table, and that the legal essence of the agreement was not decided until the second week of Paris negotiations. Many experts also agree that the PA is not a traditional treaty that meets the top-down international law pattern. It is an instrument, which is more facilitative than prescriptive. Legal experts, involved in negotiations, are of the opinion that the agreement has a strong potential to be successful. Recently, members of the UNFCCC concluded that the Paris Agreement is ready to attain its ambitious targets [15]. Although many regard the PA as a major pillar of the global climate policy system, the uncertain existence of its future effect is stressed. Many believe that telling is too early, and the outcome depends on domestic developments [16, 17].

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Received date 31.03.2020

Accepted date 16.04.2020

Published date 30.04.2020

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